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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,930	05/15/2001	Matthias Wendt	PHDE000004	9926

7590 12/17/2002

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EXAMINER

LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 12/17/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,930

Applicant(s)

WENDT ET AL.

Examiner

Jinhee J Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet (4621170) in view of Watanabe et al. (5500774).

Re claim 1, Picandet discloses a network connection comprising at least two wires (31,33) in a network, characterized in that the network connection has a symmetrical structure (see figures 2 and 3 top and bottom) and the two wires are twisted and mutually insulated and are suitable for data transmission and voltage source (column 1 lines 10-13 according to the numbering in the middle) with equal voltage source through two wires and data is transmitted differentially through each wire

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(see figures 2 and 3). Picandet does not explicitly disclose a single terminal of the voltage source. However, Watanabe et al. teaches of a single terminal of the voltage source (see column 4 lines 23-24 according to the numbering in the middle). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the terminal of Watanabe et al. on the network connection of Picandet in order to selectively connect the power.

Re claim 9, Picandet discloses use of a twisted double cable comprising two wires as a network connection in a network, in which both a symmetrical, differential data transmission via the two wires and an equal (column 5 lines 27-38 and lines 47-49) energy transfer from a terminal of a voltage source via the two wires of the network connection is realized (31, 33 see figures 2 and 3, and column 5 line 27-29). Picandet does not explicitly disclose a single terminal of the voltage source. However, Watanabe et al. teaches of a single terminal of the voltage source (see column 4 lines 23-24 according to the numbering in the middle). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the terminal of Watanabe et al. on the network connection of Picandet in order to selectively connect the power.

4. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Watanabe et al., as applied to claim 1 above, and further in view of Nugent (6066799).

Re claim 2, Picandet/ Watanabe et al. substantially discloses a network connection as set forth in claim 1 above. Picandet/ Watanabe et al. does not explicitly

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disclose that only one wire is provided with an insulation. However, Nugent teaches of a network connection with only one wire provided with an insulation (see figures 1- 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the wires of Nugent on the network connection of Picandet/ Watanabe et al. in order to improve performance.

Re claim 3, the device of Picandet as modified by teachings of Watanabe et al. and Nugent discloses the claimed invention except for the insulative lacquer coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the insulative lacquer coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 4, the device of Picandet as modified by teachings of Watanabe et al. and Nugent discloses the claimed invention except for the insulative synthetic material coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the insulative synthetic material coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 5, note that the device of Nugent teaches of an insulative tubing used as an insulation.

Re claim 6, note that the device of Nugent teaches of stranded wires mutually insulated by means of an insulation (unnumbered) or a cladding of one of the stranded wires (see figure 14).

Re claim 7, note that the device of Nugent teaches of twisted wires in double form (unnumbered) (see figure 14).

Re claim 8, note that the device of Nugent teaches of an outer insulation (8) formed in such a way that the position of the two tires is visible in that wires the twisting of the two wires are interrupted (see figure 2).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet (4621170) in view of Watanabe et al. and further in view of Raw et al. (3795760).

Re claim 10, Picandet discloses use of a cable having at least two twisted wires (31, 33) for electrically connecting network users in a network, wherein the two wires are twisted, the wires being mutually insulated to such an extent that they are suitable for a symmetrical differential data transmission, the two wires having the same electrical resistance and jointly having a cross-section which is suitable for energy transfer equally via the two wires (column 5 lines 27-38 and lines 47-49) (see figures 2 and 3). Picandet does not explicitly disclose a single terminal of the voltage source and the cable with a symmetrical structure. However, Watanabe et al. teaches of a single terminal of the voltage source (see column 4 lines 23-24 according to the numbering in the middle). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the terminal of Watanabe et al. on the network connection of Picandet in order to selectively connect the power. And, Raw et al.

teaches of a cable that has a symmetrical structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cable with symmetrical structure of Raw et al. on the network connection of Picandet in order to provide communications or electrical connections.

6. Claim 11/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Watanabe et al., as applied to claims 1 above, and further in view of Marler (5869907).

Re claim 11, Picandet/ Watanabe et al. substantially discloses a network connection as set forth in claim 1 above. Picandet/ Watanabe et al. does not explicitly disclose that the positive terminal is coupled to the network users via the network connections and the negative terminal of the voltage source is coupled to the network users via the chassis of the vehicle. However, Marler teaches of a device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle (see column 9 lines 33-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle of Marler on the network connection of Picandet/ Watanabe et al. in order to provide grounding.

7. Claim 11/2-11/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picandet in view of Watanabe et al. and further in view of Nugent, as applied to claims 2-8 above, and further in view of Marler.

Re claim 11, Picandet as modified by teachings of Watanabe et al. and Nugent substantially discloses a network connection as set forth in claims 2-8, above. Picandet / Watanabe et al./Nugent does not explicitly disclose that the positive terminal is coupled to the network users via the network connections and the negative terminal of the voltage source is coupled to the network users via the chassis of the vehicle. However, Marler teaches of a device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle (see column 9 lines 33-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device with the positive terminal coupled to the network users via the network connections and the negative terminal of the voltage source coupled to the network users via the chassis of the vehicle of Marler on the network connection of Picandet/ Watanabe et al./Nugent in order to provide grounding.

Response to Arguments

8. Applicant's arguments filed 10/21/02 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Both prior arts teach of transmitting signals.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that the prior art does not teach equal transfer of energy. Examiner disagrees. Picandet teaches of each impulse composed of two simultaneous current peaks having the same amplitudes and opposite polarities, which teaches equal transfer of energy.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 703-306-0154. The examiner can normally be reached on M, T, Th and F at 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jji
December 16, 2002


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